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#### REMARKS/ARGUMENTS

Claims 30-46 are currently pending in this application. No claims have been amended in this response.

## **Preliminary Amendment**

Claims 30-46 are currently pending in this case. The present office action addresses claims 1-29. Applicants submitted a Preliminary Amendment on December 15, 2003, along with this continuation application. The Preliminary Amendment canceled claims 1-29 and introduced new claims 30-46. Receipt of the Preliminary Amendment was noted in the PAIR system, and on the return receipt post card. In accordance with MPEP §714.01(e), Applicants understand the Preliminary Amendment was entered in this case. Thus, claims 30-46 are currently pending.

# Telephonic Messages

Applicants thank Examiner Ogden for acknowledging that the Preliminary

Amendment was inadvertently not considered when the present office action was issued.

Applicants called the Examiner to inquire about the present office action. In response, Examiner

Ogden left a message for the undersigned and requested that Applicants file the present response,
indicating that the Preliminary Amendment was not considered. Applicants also thank the

Examiner for acknowledging that he would withdraw the present rejection of claims 1-29, review
the Preliminary Amendment, and issue a non-final office action, if appropriate.

#### Information Disclosure Statements

Applicants notify the Examiner that an Information Disclosure Statement, including a PTO 1449 and references, was submitted on May 6, 2004.

Applicants further notify the Examiner that a Supplemental Information Disclosure Statement, including a PTO 1449 and references, was submitted on May 14, 2004.

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Applicants respectfully request the Examiner consider these information disclosure statements, and the references cited therein, prior to further action in this case.

### Rejections under 35 U.S.C. §102

Claims 1-18 stand rejected under 35 U.S.C. §102(e) as allegedly anticipated by or, in the alternative, under 35 U.S.C. 103(a) as allegedly obvious over Huish *et al.* (U.S. Patent No. 6,057,280).

Applicants believe the present rejection is moot in view of the Preliminary

Amendment filed in this case. Applicants therefore respectfully request the Examiner reconsider and withdraw the rejection of claims 1-18.

### Rejections under 35 U.S.C. §103

Claims 19-29 stand rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Baker (U.S. Patent No. 5,475,134).

Applicants believe the present rejection is moot in view of the Preliminary

Amendment filed in this case. Applicants therefore respectfully request the Examiner reconsider and withdraw the rejection of claims 19-29.

### **Double Patenting Rejections**

Claims 1-29 stand provisionally rejected under the judicially created doctrine of double patenting over claims 1-21 of co-pending Application No. 09/704,256. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

Applicants believe the present rejection is moot in view of the Preliminary

Amendment filed in this case. Applicants therefore respectfully request the Examiner reconsider and withdraw the provisional rejection of claims 1-29.

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### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

By:

Respectfully submitted,

Dated: <u>5/17/04</u>

McL Sodele Mark G. Sandbaken, Ph.D.

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